

**2009 DRAFTING REQUEST**

**Bill**

Received: **03/06/2009**

Received By: **jkreye**

Wanted: **As time permits**

Identical to LRB:

For: **Donald Friske (608) 266-7694**

By/Representing: **tim**

This file may be shown to any legislator: **NO**

Drafter: **jkreye**

May Contact:

Addl. Drafters:

Subject: **Tax, Business - credits**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Friske@legis.wisconsin.gov**

Carbon copy (CC:) to: **joseph.kreye@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Lumber manufacturing facility investment credit

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 03/06/2009	bkraft 03/10/2009		_____			State
/1			mduchek 03/10/2009	_____	lparisi 03/10/2009	mbarman 10/08/2009	

FE Sent For:

<END>

at  
intro

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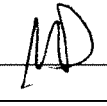
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1?	jkreye	1 bjk 3/9					
				PH			
				3 / 10			
				<END>			

FE Sent For:



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2310/?

JK:.....

RM not R bjk

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA  
X-ref

Inserts

in 3-6-09

1

AN ACT <sup>gen.</sup> relating to: an income and franchise tax credit for <sup>lumber</sup> ~~lumber~~

2

manufacturing facility investments and making an appropriation.

***Analysis by the Legislative Reference Bureau***

This bill creates an income and franchise tax credit in an amount equal to 10 percent of the amount that a taxpayer pays in a taxable year for lumber manufacturing modernization and expansion. If the credit amount exceeds the amount of the taxpayer's tax liability, the taxpayer will receive a refund.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

INSERT 1-3

3

**SECTION 1.** 71.05 (6) (a) 15. of the statutes, as affected by 2009 Wisconsin Act

4

2, is amended to read:

5

71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),

6

(2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3r), (3rm),

7

(3s), (3t), (3w), (5e), (5f), (5h), (5i), (5j), and (5k) and not passed through by a

1 partnership, limited liability company, or tax-option corporation that has added that  
2 amount to the partnership's, company's, or tax-option corporation's income under s.  
3 71.21 (4) or 71.34 (1k) (g).

History: 2009 a. 2.

4 **SECTION 2.** 71.08 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act

5 2, is amended to read:

6 71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married  
7 couple filing jointly, trust, or estate under s. 71.02, not considering the credits under  
8 ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2dy), (2fd), (3m), (3n),  
9 (3p), (3r), (3rm), (3s), (3t), (3w), (5b), (5d), (5e), (5f), (6), (6e), and (9e), 71.28 (1dd),  
10 (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1dy), (1fd), (2m), (3), (3n), (3t), and (3w), and  
11 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1dy), (1fd), (2m), (3), (3n), (3t), and  
12 (3w), and subchs. VIII and IX and payments to other states under s. 71.07 (7), is less  
13 than the tax under this section, there is imposed on that natural person, married  
14 couple filing jointly, trust or estate, instead of the tax under s. 71.02, an alternative  
15 minimum tax computed as follows:

History: 2009 a. 2.

16 **SECTION 3.** 71.10 (4) (i) of the statutes, as affected by 2009 Wisconsin Act 2, is

17 amended to read:

18 71.10 (4) (i) The total of claim of right credit under s. 71.07 (1), farmland  
19 preservation credit under subch. IX, homestead credit under subch. VIII, farmland  
20 tax relief credit under s. 71.07 (3m), farmers' drought property tax credit under s.  
21 71.07 (2fd), dairy manufacturing facility investment credit under s. 71.07 (3p), meat  
22 processing facility investment credit under s. 71.07 (3r), lumber manufacturing  
23 facility investment credit under s. 71.07 (3rm), film production services credit under

s. 71.07 (5f) (b) 2., veterans and surviving spouses property tax credit under s. 71.07 (6e), enterprise zone jobs credit under s. 71.07 (3w), earned income tax credit under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under subch. X.

History: 2009 a. 2.

X

**SECTION 4.** 71.21 (4) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

71.21 (4) Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3r), (3rm), (3s), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), and (5k) and passed through to partners shall be added to the partnership's income.

History: 2009 a. 2.

X

**SECTION 5.** 71.26 (2) (a) 4. of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

71.26 (2) (a) 4. Plus the amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy), (3g), (3h), (3n), (3p), (3r), (3rm), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), and (5k) and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, limited liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g).

History: 2009 a. 2.

X

**SECTION 6.** 71.30 (3) (f) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

71.30 (3) (f) The total of farmers' drought property tax credit under s. 71.28 (1fd), farmland preservation credit under subch. IX, farmland tax relief credit under s. 71.28 (2m), dairy manufacturing facility investment credit under s. 71.28 (3p),

INSERT  
3-18

1 meat processing facility investment credit under s. 71.28 (3r), lumber manufacturing  
2 facility investment credit under s. 71.28 (3rm), enterprise zone jobs credit under s.  
3 71.28 (3w), film production services credit under s. 71.28 (5f) (b) 2., and estimated  
4 tax payments under s. 71.29.

History: 2009 a. 2.

5 **SECTION 7.** 71.34 (1k) (g) of the statutes, as affected by 2009 Wisconsin Act 2,  
6 is amended to read:

7 71.34 (1k) (g) An addition shall be made for credits computed by a tax-option  
8 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy),  
9 (3), (3g), (3h), (3n), (3p), (3r), (3rm), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), and (5k)  
10 and passed through to shareholders.

History: 2009 a. 2.

11 **SECTION 8.** 71.45 (2) (a) 10. of the statutes, as affected by 2009 Wisconsin Act  
12 2, is amended to read:

13 71.45 (2) (a) 10. By adding to federal taxable income the amount of credit  
14 computed under s. 71.47 (1dd) to (1dy), (3h), (3n), (3p), (3r), (3rm), (3w), (5e), (5f), (5g),  
15 (5h), (5i), (5j), and (5k) and not passed through by a partnership, limited liability  
16 company, or tax-option corporation that has added that amount to the partnership's,  
17 limited liability company's, or tax-option corporation's income under s. 71.21 (4) or  
18 71.34 (1k) (g) and the amount of credit computed under s. 71.47 (1), (3), (3t), (4), and  
19 (5).

History: 2009 a. 2.

20 **SECTION 9.** 71.49 (1) (f) of the statutes, as affected by 2009 Wisconsin Act 2, is  
21 amended to read:

22 71.49 (1) (f) The total of farmers' drought property tax credit under s. 71.47  
23 (1fd), farmland preservation credit under subch. IX, farmland tax relief credit under

INSERT  
4-19

1 s. 71.47 (2m), dairy manufacturing facility investment credit under s. 71.47 (3p),  
2 meat processing facility investment credit under s. 71.47 (3r), lumber manufacturing  
3 facility investment credit under s. 71.47 (3rm), enterprise zone jobs credit under s.  
4 71.47 (3w), film production services credit under s. 71.47 (5f) (b) 2., and estimated  
5 tax payments under s. 71.48.

History: 2009 a. 2.

X

6 **SECTION 10.** 77.92 (4) of the statutes, as affected by 2009 Wisconsin Act 2, is  
7 amended to read:

8 77.92 (4) "Net business income," with respect to a partnership, means taxable  
9 income as calculated under section 703 of the Internal Revenue Code; plus the items  
10 of income and gain under section 702 of the Internal Revenue Code, including taxable  
11 state and municipal bond interest and excluding nontaxable interest income or  
12 dividend income from federal government obligations; minus the items of loss and  
13 deduction under section 702 of the Internal Revenue Code, except items that are not  
14 deductible under s. 71.21; plus guaranteed payments to partners under section 707  
15 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),  
16 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3r), (3rm),  
17 (3s), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), and (5k); and plus or minus, as  
18 appropriate, transitional adjustments, depreciation differences, and basis  
19 differences under s. 71.05 (13), (15), (16), (17), and (19); but excluding income, gain,  
20 loss, and deductions from farming. "Net business income," with respect to a natural  
21 person, estate, or trust, means profit from a trade or business for federal income tax



1 purposes and includes net income derived as an employee as defined in section 3121

2 (d) (3) of the Internal Revenue Code.

History: 2009 a. 2.

3

(END)

INSERT  
6-2

**ASSEMBLY AMENDMENT ,  
TO 2009 SENATE BILL 62**

INSERT 1-3

1

At the locations indicated, amend the bill as follows:

2

1. Page 20, line 2: after that line insert:

3

SECTION ~~16d~~ 20.835 (2) (ba) of the statutes is created to read:

4

20.835 (2) (ba) *Lumber manufacturing facility investment credit.* A sum

5

sufficient to make the payments under ss. 71.07 (3rm), 71.28 (3rm), and 71. 47

6

(3rm). *De*

7

2. Page 44, line 2: after "(3r)," insert "(3rm)."

8

3. Page 53, line 2: after that line insert:

9

SECTION ~~100d~~ 71.07 (3rm) of the statutes is created to read:

10

71.07 (3rm) LUMBER MANUFACTURING FACILITY INVESTMENT CREDIT. (a)

11

*Definitions.* In this subsection:

12

1. "Claimant" means a person who files a claim under this subsection.

INSERT  
2-3

Amend 2-3

1           2. "Lumber manufacturing modernization or expansion" means constructing,  
2 improving, or acquiring buildings or facilities, or acquiring equipment for lumber  
3 manufacturing, if used exclusively for lumber manufacturing and if acquired and  
4 placed in service in this state during taxable years that begin after December 31,  
5 2008, and before January 1, 2015.

6           <sup>2</sup>~~4~~ "Used exclusively" means used to the exclusion of all other uses except for  
7 use not exceeding 5 percent of total use.


8           (b) *Filing claims.* Subject to the limitations provided in this subsection and s.  
9 560.209, for taxable years beginning after December 31, 2008, and before January  
10 1, 2015, a claimant may claim as a credit against the taxes imposed under s. 71.02  
11 or 71.08, up to the amount of the tax, an amount equal to 10 percent of the amount  
12 the claimant paid in the taxable year for lumber manufacturing modernization or  
13 expansion.

14           (c) *Limitations.* 1. No credit may be allowed under this subsection for any  
15 amount that the claimant paid for expenses described under par. (b) that the  
16 claimant also claimed as a deduction under section 162 of the Internal Revenue Code.

17           2. The aggregate amount of credits that a claimant may claim under this  
18 subsection is \$200,000.

19           3. a. The maximum amount of the credits that may be claimed under this  
20 subsection and ss. 71.28 (3rm) and 71.47 (3rm) in fiscal year 2009–10 is \$700,000,  
21 as allocated under s. 560.209.

22           b. The maximum amount of the credits that may be claimed under this  
23 subsection and ss. 71.28 (3rm) and 71.47 (3rm) in fiscal year 2010–11, and in each  
24 fiscal year thereafter, is \$800,000, as allocated under s. 560.209.



*Insert 2-3*

1           4. Partnerships, limited liability companies, and tax-option corporations may  
2 not claim the credit under this subsection, but the eligibility for, and the amount of,  
3 the credit are based on their payment of expenses under par. (b), except that the  
4 aggregate amount of credits that the entity may compute shall not exceed \$200,000.  
5 A partnership, limited liability company, or tax-option corporation shall compute  
6 the amount of credit that each of its partners, members, or shareholders may claim  
7 and shall provide that information to each of them. Partners, members of limited  
8 liability companies, and shareholders of tax-option corporations may claim the  
9 credit in proportion to their ownership interest.

10           5. If 2 or more persons own and operate the lumber manufacturing operation,  
11 each person may claim a credit under par. (b) in proportion to his or her ownership  
12 interest, except that the aggregate amount of the credits claimed by all persons who  
13 own and operate the operation shall not exceed \$200,000.

14           (d) *Administration.* 1. Section 71.28 (4) (e), (g), and (h), as it applies to the  
15 credit under s. 71.28 (4), applies to the credit under this subsection.

16           2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise  
17 due under s. 71.02 or 71.08, the amount of the claim not used to offset the tax due  
18 shall be certified by the department of revenue to the department of administration  
19 for payment by check, share draft, or other draft drawn from the appropriation  
20 account under s. 20.835 (2) (ba).<sup>e</sup>

*(end of Insert 2-3)*

21           **4.** Page 54, line 21: after “(3r).” insert “(3rm).”.

22           **5.** Page 56, line 20: after “(3r).” insert “lumber manufacturing facility  
23 investment credit under s. 71.07 (3rm).”.

24           **6.** Page 57, line 2: after “(3r).” insert “(3rm).”.

7. Page 81, line 8: after "(3r)." insert "(3rm).".

8. Page 89, line 7: after that line insert:

SECTION 147d. 71.28 (3rm) of the statutes is created to read:

71.28 (3rm) LUMBER MANUFACTURING FACILITY INVESTMENT CREDIT. (a)

*Definitions.* In this subsection:

1. "Claimant" means a person who files a claim under this subsection.

2. "Lumber manufacturing modernization or expansion" means constructing, improving, or acquiring buildings or facilities, or acquiring equipment for lumber manufacturing, if used exclusively for lumber manufacturing and if acquired and placed in service in this state during taxable years that begin after December 31, 2008, and before January 1, 2015.

③ "Used exclusively" means used to the exclusion of all other uses except for use not exceeding 5 percent of total use.

(b) *Filing claims.* Subject to the limitations provided in this subsection and s. 560.209, for taxable years beginning after December 31, 2008, and before January 1, 2015, a claimant may claim as a credit against the taxes imposed under s. 71.23, up to the amount of the tax, an amount equal to 10 percent of the amount the claimant paid in the taxable year for lumber manufacturing modernization or expansion.

(c) *Limitations.* 1. No credit may be allowed under this subsection for any amount that the claimant paid for expenses described under par. (b) that the claimant also claimed as a deduction under section 162 of the Internal Revenue Code.

2. The aggregate amount of credits that a claimant may claim under this subsection is \$200,000.

*Insert 3-18*

1           3. a. The maximum amount of the credits that may be claimed under this  
2 subsection and ss. 71.07 (3rm) and 71.47 (3rm) in fiscal year 2009–10 is \$700,000,  
3 as allocated under s. 560.209.

4           b. The maximum amount of the credits that may be claimed under this  
5 subsection and ss. 71.07 (3rm) and 71.47 (3rm) in fiscal year 2010–11, and in each  
6 fiscal year thereafter, is \$800,000, as allocated under s. 560.209.

7           4. Partnerships, limited liability companies, and tax–option corporations may  
8 not claim the credit under this subsection, but the eligibility for, and the amount of,  
9 the credit are based on their payment of expenses under par. (b), except that the  
10 aggregate amount of credits that the entity may compute shall not exceed \$200,000.  
11 A partnership, limited liability company, or tax–option corporation shall compute  
12 the amount of credit that each of its partners, members, or shareholders may claim  
13 and shall provide that information to each of them. Partners, members of limited  
14 liability companies, and shareholders of tax–option corporations may claim the  
15 credit in proportion to their ownership interest.

16           5. If 2 or more persons own and operate the lumber manufacturing operation,  
17 each person may claim a credit under par. (b) in proportion to his or her ownership  
18 interest, except that the aggregate amount of the credits claimed by all persons who  
19 own and operate the operation shall not exceed \$200,000.

20           (d) *Administration.* 1. Subsection (4) (e), (g), and (h), as it applies to the credit  
21 under sub. (4), applies to the credit under this subsection.

22           2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise  
23 due under s. 71.23, the amount of the claim not used to offset the tax due shall be  
24 certified by the department of revenue to the department of administration for



Insert 3-18  
1 payment by check, share draft, or other draft drawn from the appropriation account  
2 under s. 20.835 (2) (ba). *end of insert 3-18*

3 **9.** Page 95, line 4: after “(3r),” insert “lumber manufacturing facility  
4 investment credit under s. 71.28 (3rm).”

5 **10.** Page 96, line 9: after “(3r),” insert “(3rm).”

6 **11.** Page 99, line 3: after “(3r),” insert “(3rm).”

7 **12.** Page 107, line 2: after that line insert:

8 **SECTION 191d** 71.47 (3rm) of the statutes is created to read:

9 71.47 **(3rm)** LUMBER MANUFACTURING FACILITY INVESTMENT CREDIT. (a)

10 *Definitions.* In this subsection:

11 1. “Claimant” means a person who files a claim under this subsection.

12 2. “Lumber manufacturing modernization or expansion” means constructing,  
13 improving, or acquiring buildings or facilities, or acquiring equipment for lumber  
14 manufacturing, if used exclusively for lumber manufacturing and if acquired and  
15 placed in service in this state during taxable years that begin after December 31,  
16 2008, and before January 1, 2015.

17 **4** “Used exclusively” means used to the exclusion of all other uses except for  
18 use not exceeding 5 percent of total use.

19 (b) *Filing claims.* Subject to the limitations provided in this subsection and s.  
20 560.209, for taxable years beginning after December 31, 2008, and before January  
21 1, 2015, a claimant may claim as a credit against the taxes imposed under s. 71.43,  
22 up to the amount of the tax, an amount equal to 10 percent of the amount the  
23 claimant paid in the taxable year for lumber manufacturing modernization or  
24 expansion.

Insert 4-19

1 (c) *Limitations.* 1. No credit may be allowed under this subsection for any  
2 amount that the claimant paid for expenses described under par. (b) that the  
3 claimant also claimed as a deduction under section 162 of the Internal Revenue Code.


4 2. The aggregate amount of credits that a claimant may claim under this  
5 subsection is \$200,000.

6 3. a. The maximum amount of the credits that may be claimed under this  
7 subsection and ss. 71.07 (3rm) and 71.28 (3rm) in fiscal year 2009–10 is \$700,000,  
8 as allocated under s. 560.209.

9 b. The maximum amount of the credits that may be claimed under this  
10 subsection and ss. 71.07 (3rm) and 71.28 (3rm) in fiscal year 2010–11, and in each  
11 fiscal year thereafter, is \$800,000, as allocated under s. 560.209.

12 4. Partnerships, limited liability companies, and tax–option corporations may  
13 not claim the credit under this subsection, but the eligibility for, and the amount of,  
14 the credit are based on their payment of expenses under par. (b), except that the  
15 aggregate amount of credits that the entity may compute shall not exceed \$200,000.  
16 A partnership, limited liability company, or tax–option corporation shall compute  
17 the amount of credit that each of its partners, members, or shareholders may claim  
18 and shall provide that information to each of them. Partners, members of limited  
19 liability companies, and shareholders of tax–option corporations may claim the  
20 credit in proportion to their ownership interest.

21 5. If 2 or more persons own and operate the lumber manufacturing operation,  
22 each person may claim a credit under par. (b) in proportion to his or her ownership  
23 interest, except that the aggregate amount of the credits claimed by all persons who  
24 own and operate the operation shall not exceed \$200,000.





Insert 4-19

1 (d) *Administration*. 1. Section 71.28 (4) (e), (g), and (h), as it applies to the  
2 credit under s. 71.28 (4), applies to the credit under this subsection.

3 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise  
4 due under s. 71.43, the amount of the claim not used to offset the tax due shall be  
5 certified by the department of revenue to the department of administration for  
6 payment by check, share draft, or other draft drawn from the appropriation account  
7 under s. 20.835 (2) (ba). *end of insert 4-19*

8 **13.** Page 111, line 17: after "(3r)," insert "lumber manufacturing facility  
9 investment credit under s. 71.47 (3rm).".

10 **14.** Page 240, line 9: after "(3r)," insert "(3rm)".

11 **15.** Page 329, line 15: after that line insert:

12 ~~SECTION 800d~~ 560.209 of the statutes is created to read:

13 **560.209 Lumber manufacturing facility investment credit.** (1) The  
14 department of commerce shall implement a program to certify taxpayers as eligible  
15 for the lumber manufacturing facility investment credit under ss. 71.07 (3rm), 71.28  
16 (3rm), and 71.47 (3rm).

17 (2) If the department of commerce certifies a taxpayer under sub. (1), the  
18 department of commerce shall determine the amount of credits to allocate to that  
19 taxpayer. The total amount of lumber manufacturing facility investment credits  
20 allocated to taxpayers in fiscal year 2009-10 may not exceed \$700,000 and the total  
21 amount of lumber manufacturing facility investment credits allocated to taxpayers  
22 in fiscal year 2010-11, and in each fiscal year thereafter, may not exceed \$800,000.

1           (3) The department of commerce shall inform the department of revenue of  
2       every taxpayer certified under sub. (1) and the amount of credits allocated to the  
3       taxpayer.

4           (4) The department of commerce, in consultation with the department of  
5       revenue, shall promulgate rules to administer this section.

6

(END)

end of insert  
6-2

**Duerst, Christina**

---

**From:** Gary, Tim  
**Sent:** Wednesday, October 07, 2009 3:38 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-2310/1 Topic: Lumber manufacturing facility investment credit

Please Jacket LRB 09-2310/1 for the ASSEMBLY.